

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES - GENERAL

Case No. EDCV 09-2350 JVS (DTBx) Date February 4, 2010

Title Deutsche Bank National Trust Co. v. Luis Ruelas, et al.

Present: The Honorable James V. Selna

<u>Karla J. Tunis</u>	<u>Not Present</u>
<u>Deputy Clerk</u>	<u>Court Reporter</u>

Attorneys Present for Plaintiffs:

Not Present

Attorneys Present for Defendants:

Not Present

Proceedings: (In Chambers) Order to Show Cause re Jurisdiction

The Court has made a preliminary review of the Notice of Removal (“Notice”) filed by defendants Luis and Veronica Ruelas (collectively “the Ruelases”). They purport to the base jurisdiction on federal question jurisdiction, 28 U.S.C. § 1331, and diversity jurisdiction, 28 U.S.C. § 1332. (Notice, p. 2.)

There is no federal question discernible on the face of the complaint.

With regard to diversity jurisdiction, the Ruelases allege that they are residents of California. (Notice, p.2.) Diversity jurisdiction on removal is narrower than diversity jurisdiction in an original action. Specifically, a defendant who is a resident of the forum state may not remove, even if there is otherwise complete diversity.¹ 28 U.S.C. § 1441(b).

The Ruelases are ordered to show cause in writing within ten days why the case should not be remanded to the Superior Court for the County of San Bernardino for lack of jurisdiction.

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¹In addition, it would appear that the Ruelases cannot meet the amount in controversy requirement. 28 U.S.C. § 1332(a). The Complaint is filed in limited jurisdiction and seeks less than \$10,000. (Complaint, p. 1.)